IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5545 of 2007
Date of decision: October 30, 2007

Jastej Singh and others

.....PETITIONERS

VERSUS

Ranjit Singh, LR of Harbans Kaur

.....RESPONDENT

CORAM: HON'BLE MR JUSTICE T.P.S.MANN

PRESENT: Mr Ashok Singla, Advocate
for the petitioners.

T.P.S .MANN, J.

By a common order, I intend to dispose of present revision, as well as Civil Revision No. 5546 of 2007 (Simranjit Singh and others vs Ranjit Singh), as both of them arise out of identical proceedings and orders. Two identical civil suits were filed for declaration to the effect that the plaintiff was owner and in possession of the lands, situated in the revenue estate of Faridkot, on which godowns had been constructed and also of the lands, situated in the revenue estate of Village Goneana Khurd, on which plinths had been constructed. The first suit (subject matter of present revision) was filed by Harbans Kaur against Jastej Singh, Mukhtiar Kaur and Jagjit Singh, while the other suit (subject matter of Civil Revision No.5546 of 2007) was filed by Kartar Singh against Simranjit Singh,

Mukhtiar Kaur and Jagjit Singh. Said Kartar Singh died on 29.2.2000 and Harbans Kaur was impleaded as L.R vide order dated 17.5.2000 in the second suit. Issues were framed in both the suits on 18.1.2001. The evidence of the plaintiff was concluded in the year 2006, while the defendants closed their evidence on 15.5.2007. When the cases were pending for rebuttal evidence, Harbans Kaur also died. Accordingly, on 28.7.2007 Ranjit Singh was impleaded as her L.R in both the suits. Said Ranjit Singh then filed applications for amendment of the plaints so as to give details of the fraud and mis-representation, which led to the execution of sale deeds under challenge. These applications were allowed by learned trial Court and hence, the present revisions.

The case of the plaintiffs in both the civil suits was that the sale deeds had been executed by fraud, undue influence and coercion. When Ranjit Singh came to be impleaded as L.R. of the deceased-plaintiffs, he filed separate applications in both the civil suits for the grant of permission to amend the plaints, so as to give the details of fraud and mis-representation.

Only when the plaintiff is in a position to give out the details of the fraud said to have been committed by the defendants, the Court would be able to arrive at a just decision of the case.

There is no bar to the filing of the application for amendment of the plaint at the final stage. It is for the Court to find out as to whether such an application has to be allowed on the given set of facts before it. Order 6 Rule 17 CPC permits filing of an application for amendment of the plaint at any stage of the case.

The defendants have been compensated on account of the grant

of permission to the plaintiffs for amendment of the plaints. Learned trial Court awarded a sum of Rs. 2000/- to the defendants in each of the two cases.

In view of the above, no fault can be found with the impugned orders in both the cases. The revisions are, accordingly, dismissed.

October 30, 2007 **(T.P.S.MANN)**
Pds **JUDGE**